IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 28TH NOVEMBER 2006 / 7TH AGRAHAYANA 1928

WP(C).No. 14895 of 2006(W)

PETITIONER:

M. MAMMIKKUTTY, MULANTHALA HOUSE,
ALATHIYUR, P.O. MALAPPURAM.

BY ADV. SRI.P.V.JAYACHANDRAN

RESPONDENTS:

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1. SECRETARY TO THE GOVERNMENT,
LABOUR & REHABILITATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE
FUND BOARD, MALAPPURAM.

3. THE DEPUTY TAHSILDAR (R.R.)
TALUK OFFICE, TIRUR.

BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD
GOVERNMENT PLEADER SRI.N.SUDHA DEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/11/2006, THE COURT ON 28/11/2006 DELIVERED THE FOLLOWING:

WP(C).No. 14895 of 2006(W)

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of permit No.C8/38/99M dated 20-7-99.

Ext.P2: True copy of agreement dated 6-12-99.

Ext.P3: True copy of No.EM/801/98-99 dated 18-9-99.

Ext.P4: True copy of statutory appeal during November 1999.

Ext.P5: True copy of order G.O(Rt)No.2323/05/LBR dated 11-8-05.

Ext.P6: True copy of demand notice dated 19-4-2006.

// True copy //

P.A. to Judge

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C.N.RAMACHANDRAN NAIR, J.

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W.P.(C)NO.14895 OF 2006

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Dated this the 28th day of November 2006

JUDGMENT

The case of the petitioner is that during the period of 1998-1999 petitioner did not have the permit to operate the vehicle. However, respondent's counsel submitted that demand is raised based on petitioner's own statement that petitioner was operating stage carriage. Demand is seen made for only two employees. The demand is sustained in appeal.

2. In the circumstances and since no records are produced to prove petitioner's case of partnership, there is no scope for interference with the impugned order. Therefore, writ petition is dismissed. However, petitioner is grated time till 31st December 2006 to pay the balance arrears. If petitioner commits default in making payment within that time, recovery will be continued.

Writ petition is dismissed.

C.N.RAMACHANDRAN NAIR, JUDGE

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